

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION**

| | | |
|---|---|------------------------------------|
| ARRON MARSTON and JUDY MARSTON, |) | |
| |) | |
| Plaintiffs, |) | Case No. 09-5055 |
| |) | |
| v. |) | |
| |) | |
| UNITED STATES OF AMERICA; |) | DECLARATION OF |
| THOMAS J. VILSACK, |) | ELIZABETH Y. GALLAWAY, ESQ. |
| Secretary, United States Department of Agriculture; |) | |
| TOM TIDWELL, |) | |
| Chief, United States Forest Service; |) | |
| CRAIG BOBZIEN, |) | |
| Forest Supervisor, Black Hills National Forest; and |) | |
| LYNN KOLUND, |) | |
| District Ranger, Hell Canyon Ranger District, |) | |
| Black Hills National Forest, |) | |
| |) | |
| Defendants. |) | |
| |) | |

I, Elizabeth Y. Gallaway, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following statements are true and correct to the best of my knowledge:

1. I am an attorney at Mountain States Legal Foundation and have practiced law for approximately five years.

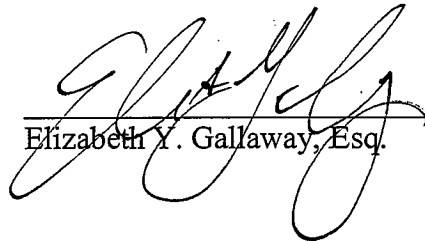
2. On June 18, 2010, Defendants filed a Motion for Extension of Expert Deadline (Docket 49) indicating, for the second time, that they would be unable to meet their court-ordered deadline to disclose their expert(s).

3. Based on my contemporaneous records, I reasonably and necessarily worked 2.5 hours representing the Marstons before this Court in response to Defendants' Motion for Extension of Expert Deadline (Docket 49). These hours are broken down as follows:

| Date | Description | Time (hrs) |
|-----------|--|---------------|
| 6/19/2010 | Discussed strategy with Joel Spector | 0.1 |
| 6/20/2010 | Reviewed Joel Spector's draft response; researched related issues on Westlaw | 1.6 |
| 6/20/2010 | Edited response to motion and prepared for filing by Max Main | 0.8 |

DATED this 13th day of July 2010.

Respectfully Submitted By:



Elizabeth Y. Gallaway, Esq.